IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 27098 of 2006(A)

PETITIONER:

N.M.ALIYAR, LIBRARY ASSISTANT,
N.E.S.COLLEGE, MARAMPALLY, ALUVA-7.

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
ITS PRINCIPAL SECRETARY, HIGHER EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
`VIKAS BHAVAN', PMG JUNCTION,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, ERNAKULAM.

4. THE STANDING COMMITTEE IN M.E.S.
COLLEGE, M.E.S CALICUT-1, REPRESENTED BY
ITS CORRESPONDENT AND CHAIRMAN.

5. THE PRINCIPAL, M.E.S. COLLEGE,
MARAMPALLY, ALUVA-7.

BY ADV. SRI.A.A.ABUL HASSAN
GOVERNMENT PLEADER SMT.M.R.SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.27098/2006)

EXT.P1: TRUE COPY OF ORDER DT. 25/11/87.

EXT.P2: DO. DT. 14/6/91.

EXT.P3: TRUE COOPY OF ORDER DT. 23/1/97.

EXT.P4: TRUE COPY OF PROCEEDINGS DT. 22/11/1999.

EXT.P5: TRUE COPY OF ORDER DT. 30/3/2000.

EXT.P6: TRUE COPY OF ORDR DT. 18/5/2003.

EXT.P7: TRUE COPY FO LETTER DT. 15/1/2004.

EXT.P8: TRUE COPY OF ORDER DT. 16/2/2006.

EXT.P9: TRUE COPY OF REPRESENTATION DT. 6/3/2006.

EXT.P10: TRUE COPY FO REPRESENTATION DT. 23/8/2006.

EXT.P11: TRUE COOPY OF LETTER DT. 3/10/2006.

RESPONDENTS' EXHIBITS:

EXT.R4(A): TRUE COPY OF LETTER DT. 3/10/2005 OF M.E.S.

EXT.R4(B): TRUE COPY FO LETTER DT. 28/9/2006 OF DO.

A.K. Basheer, J.

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W.P(C) No. 27098 of 2006

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Dated this the 2nd day of July, 2007.

J U D G M E N T

Grievance of the petitioner who is stated to be working as Library Assistant in the M.E.S. College, Marampally, Aluva under the management of respondent No.4 is that his service records are not being forwarded to the competent authority concerned, for "extension of his promotion" as Library Assistant. It is not in dispute that petitioner was granted provisional promotion as Library Assistant as indicated in Ext.P5. It is further stipulated in Ext.P5 that the Dy.Director of Collegiate Education should ensure that the number of persons whose salary is admitted by him does not exceed the sanctioned strength. Obviously, the order of provisional promotion issued in favour of the petitioner could not be extended because his service records were not available with the competent authority.

2. Learned Standing Counsel for respondents 4 and 5 submits that the records have already been forwarded to the office of respondent No.2 on June 14, 2007.

3. In that view of the matter the writ petition is disposed of with a direction to respondent No.2 and/or 3 to pass appropriate orders in accordance with law . This shall be done as expeditiously as possible, at any rate within 3 months from the date of receipt of a copy of this judgment. Needless to mention that petitioner and the management shall be afforded sufficient opportunity to be heard before any decision is taken in the matter.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer
Judge.

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